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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,295	06/13/2001	Charles Michael Pickett	8371-138/SLA1022	6771
55692 7590 03/19/2007 MICHAEL BLAINE BROOKS, PC P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			EXAMINER KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/881,295		PICKETT, CHARLES MICHAEL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Peng Ke		2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-11 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 12/15/06.

This action is made final.

Claims 7-11 and 16-30 are pending in this application. Claims 7, 16, and 27 are independent claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-11, 16-18, 20, 22, 24-27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda US Patent 6,791,703 in view of Tilt US Patent 5,363,481.

As per claim 7, Maeda teaches a graphical user interface; comprising:

a primary application adapted to be displayed on a device (column 4, lines 44-63) and adapted to receive a print input selection to indicate a print task to be performed associated with the primary application (column 10, lines 1-column 11, line 25)

a proxy interface adapted to be displayed on the device when the print input selection is received, wherein the proxy interface comprises settings associated with the print task to be performed; and (column 7, lines 6 - column 8, lines 68)

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a timeout timer operable to execute the print task using the settings upon expiration of the timer. (column 9, lines 20-68; It is inherent that there is a timer within the scheduler)

However, Maeda fails to teach the timeout time is associated with when the proxy interface is displayed.

Tilt teaches the timeout time is associated with when the proxy interface is displayed. (figure 2, item 33 to 32; column 2, lines 34-55)

It would have been obvious to an artisan at the time of the invention to include Tilt's teaching with method of Maeda in order to improve menu's display and its selection mechanism.

As per claim 9, which is dependent on claim 7, Maeda and Tilt teach the graphical user interface of claim 7. Maeda further teaches wherein the timer is hidden. (column 9, lines 20-68, column 21, lines 45-column 22, lines 22)

As per claim 10, which is dependent on claim 7, Maeda teaches the graphical user interface of the claim 7. Maeda further teaches wherein the settings are the default settings for the print task. (column 12, lines 11-15)

As per claim 11, Maeda and Tilt teach the graphical user interface of claim 7. Maeda further teaches wherein the settings are current settings for the print task. (column 7, lines 32-column 8, lines 68)

As per claim 16, Maeda teaches a method of providing a user interface, the method comprising the steps of:

displaying a proxy interface in response to a print input selection received by a primary application interface, (column 4, lines 44-63)

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wherein the print input selection is associated with a print task to be performed, and wherein the proxy interface comprises settings associated with the print task and the proxy interface is adapted to receive a proxy interface input, (column 10, lines 1-column 11, line 25) and

if the timer expires without the proxy interface receiving a proxy interface input, executing the print task using the settings associated with the print task. (column 21, lines 45-column 22, lines 22)

However, Maeda fails to teach starting a timer when the proxy interface is displayed;

Tilt teaches starting a timer when the proxy interface is displayed. (figure 2, item 33 to 32; column 2, lines 34-55)

It would have been obvious to an artisan at the time of the invention to include Tilt's teaching with method of Maeda in order to provide user with an indication that timer has started.

As per claim 17, which is dependent on claim 16, Maeda and Tilt teach the method of claim 16, Maeda further teaches the method comprising the step of:

if the proxy interface input is received prior to the expiration of the timer, providing a user interface adapted to receive one or more changes associated with the settings and to stop the timer. (column 11, lines 8-24)

As per claim 18, which is dependent on claim 16, Maeda and Tilt teach the method of claim 16. Maeda further teaches wherein the executing of the print task step further comprises the step of sending the print task to a printer. (figure 35, items S705)

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As per claim 20, which is dependent on claim 16, Maeda and Tilt teach the method of claim 16, wherein the proxy interface further comprises a bar. (figure 32, item “URL Access Confirmation”)

As per claim 22, which is dependent on claim 16, Maeda and Tilt teach the method of claim 16. Maeda further teaches wherein the primary application is adapted to receive primary application input while the proxy interface is displayed. (column 19, lines 32-52)

As per claim 25, which is dependent on claim 17, Maeda and Tilt teach the method of claim 17. Maeda further teaches wherein the provided user interface is part of the proxy interface. (figure 11, items Book Mark)

As per claim 24, Maeda and Tilt teach the method of claim 16. Tilt teaches an interface is closed when the timer expires. (column 2, lines 10-55)

As per claim 26, Maeda and Tilt teach the method of claim 17. Tilt teaches the step of restarting the timer. (column 2, lines 23-32)

As per claim 27, it is rejected with the same rationale as claim 16. Supra.

As per claim 29, which is dependent on claim 27, it is of the same scope as claim 17.

Supra

As per claim 30, which is dependant on claim 27, it is of the same scope as claim 22.

Supra.

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Claims 8, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda US Patent 6,791,703 in view of Tilt US Patent 5,363,481 further in view of McCoy et al., U.S. Patent No. 6,526,575

As per claim 8, Maeda and Tilt teach the graphical user interface of claim 7. However, they fail to teach the timer is visible on the graphical user interface.

McCoy teaches a graphical user interface wherein time is visible on the graphical user Interface (see McCoy, figure 14, "Starts In" timer)

It would have been obvious to an artisan at the time of the invention to include the graphical user interface of McCoy with the graphical user interface of Maeda and Tiltin order to alert the user of the time remaining on the timer.

As per claim 21, Maeda and Tilt teach the method of claim 16. However, they fail to teach the proxy interface further comprising an interface located on the periphery of the primary application window.

McCoy teaches the proxy interface further comprising an interface located on the periphery of the primary application window (see McCoy, figure 14, "Starts In" timer)  
It would have been obvious to an artisan at the time of the invention to include the graphical user interface of McCoy with the graphical user interface of Maeda and Tiltin order to alert the user of the time remaining on the timer.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda US Patent 6,791,703 in view of Tilt US Patent 5,363,481 further in view of Damouth et al., U.S. Patent No. 5,333,255.

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As per claim 19, Maeda and Tilt teach the method of claim 16. However, they fail to teach wherein the proxy interface is presented as a transparent overlay.

Damouth teaches an interface is presented as a transparent overlay. (column 9, lines 3-15)

It would have been obvious to an artisan at the time of the invention to include the graphical user interface of Damouth with the graphical user interface of Maeda and Tilt in order to allow users to view two interfaces at once.

Claims 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda US Patent 6,791,703 in view of Tilt US Patent 5,363,481 further in view of Buxton et al., U.S. Patent No. 6,469,714.

As per claim 23, Maeda and Tilt teach the method of claim 16. They fail to teach wherein the primary application is a document creating application.

Buxton teaches primary application is a document creating application. (column 2, lines 42-column 3, line 11)

It would have been obvious to an artisan at the time of the invention to include the graphical user interface of Buxton with the graphical user interface of Maeda and Tilt in order to allow users to create and modify the document.

As per claim 28, which is dependent on claim 27, it is of the same scope as claim 23.  
Supra.



***Response to Argument***

Applicant's arguments filed on 12/15/06 have been fully considered but they are not persuasive.

Applicant argues there is <sup>no</sup><sub>A</sub> motivation to combine.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Furthermore, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Tilt provided a motivation to combine its teaching with another menu system and that is to improve menu's display and its selection mechanism. (see Tilt; column 1, lines 40-50) Furthermore, Maeda's menu is precisely what Tilt is trying to improve. (see Tilt; column 1,

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lines 40-50) Maeda's menus is long, has abbreviations and small texts. (see Maeda's, long list figure, 18; abstraction figure 14 A; and small texts figure 12)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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